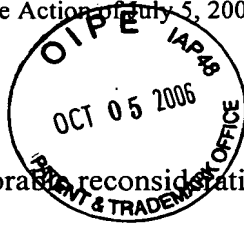


IN THE DRAWINGS

The attached sheet of drawings includes new designations for Figs. 1 and 2 to identify them as "Background Art". This sheet, which includes Figs. 1 and 2, replaces the original sheet including Figs. 1 and 2.

Attachment: Replacement Sheet



REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-2 and 4-5 are pending in the present application. Claim 3 has been canceled without prejudice or disclaimer. No new matter has been added.

By way of summary, the Official Action presents the following issues: the drawings are objected to under MPEP § 608.02(g); Claim 3 stands rejected on the ground of nonstatutory obviousness-type double patenting in view of U.S. Patent Application No. 2004/0058696 in view of Lo et al. U.S. Patent No. 6,122,483, hereinafter "Lo"; Claims 4 and 5 stand rejected on the ground of nonstatutory obviousness-type double patenting over U.S. Patent Application No. 2004/0058696; Claims 1-2 and 4-5 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bechmann et al. (U.S. Patent Application No. 2003/0022683 in view of Jellema et al. (U.S. Patent No. 6,707,900, hereinafter "Jellema"); and Claim 3 stands rejected under 35 U.S.C. § 103 as being unpatentable over Bechmann in view of Lo.

At the outset, Applicants note that accurate translations of the priority documents are submitted herewith pursuant to 37 C.F.R. § 1.55 as suggested at paragraph (1) of the Official Action.

OBJECTION TO THE DRAWINGS

In response to the objection to Figures 1 and 2 under MPEP § 608.02(g), Applicants submit herewith replacement drawing sheet which designates these drawings as Background Art.

Accordingly, Applicants respectfully request that the objection to the drawings be withdrawn.

OBVIOUSNESS-TYPE DOUBLE PATENTING

The current claims are rejected on the ground of nonstatutory obviousness-type double patenting with respect to co-pending U.S. Patent Application No. 2004/0058696. As such, the current form of the present claims as well as those of the co-pending application are not fixed. Thus, Applicants will defer the filing of a terminal disclaimer in accordance with MPEP § 804 until such time that these provisional double patenting rejections become the only outstanding rejection remaining in either case. This deferment will ensure that only a single disclaimer is filed. Thus, the burden on the USPTO which would otherwise be created by multiple terminal disclaimer filings is avoided.

REJECTION UNDER 35 U.S.C. § 103

The Official Action has rejected Claims 1-2 and 4-5 under 35 U.S.C. § 103 as being unpatentable over Bechmann in view of Jellema. The Official Action cites Bechmann as describing all of the features of the Applicants' claims with the exception of a predetermined number of response signals. However, the Official Action cites Jellema as describing this more detailed aspect of the Applicants' claims and states it would have been obvious to one of ordinary skill in the art at the time the advancements were made to combine the cited references for arriving at the Applicants' claims. Applicants respectfully traverse the rejection.

By way of background, in mobile communications systems a multicast group may be formed such that common data is distributed to a plurality of mobile stations. In such configurations, in order for an individual mobile station to join a multicast group, a response signal must be provided to a base station upon reception of a control signal from the base station which enables the mobile station to join the multicast group. During such control signaling, the plurality of mobile stations will simultaneously provide a response signal to a

corresponding base station which forwards these response signals to a radio network controller.¹

In light of at least the above deficiencies in the art, the present advancements are provided. With at least the above objects in mind, a brief comparison of the claimed advancements, in view of the cited references, is believed to be in order.

Claim 1 recites, *inter alia*, a base station supporting multicast communication, including:

a response signal relay configured to transfer response signals transmitted from a plurality of mobile stations to a radio network controller, the response signals responding to a control signal for a multicast group; and wherein

the response signal relay transfers only a predetermined number of response signals to the radio network controller, and any following response signal is retained. (Emphasis added).

Bechmann describes a method of transmitting multicast messages in which resource allocation is performed in preparation for the transmission of the multicast messages. In operation, a radio network control (RNC) of the mobile radio system reserves resources within a radio cell and assigns resources to a particular mobile station for a particular time so that a resource is dedicated to a mobile station within a time specified. The allocation of a time slot to a particular mobile station makes it possible to send a regularly occurring data traffic to the mobile station in an efficient manner.² For example, common transport channels in common physical channels under which the common transport channel is mapped may be assigned to receivers belonging to a multicast group. The common channel is a channel which can be read or listened to by all receivers. In this way, receivers may listen for a multicast message at a designated time.³

¹ Application at pages 1-2.

² Bechmann at paragraph [0029].

³ Bechmann at paragraph [0013].

Jellema describes a method of dynamic load limiting in which a service switching points counts the number of call attempts received at a service switching point for rejecting call attempts above a certain threshold.⁴

Conversely, in an exemplary embodiment of the Applicants' claimed advancements, a response signal is provided from a plurality of mobile stations upon reception of a control signal for a multicast group. A response signal relay of a base station transfers only a predetermined number of response signals to a radio network controller, additional response signals beyond the predetermined number being retained by the base station.

As can be appreciated, Bechmann is directed to the allocation of resources (i.e. timing) at a transmission side. The particular time a mobile station may correctly receive a multicast message as noted in Bechmann in no way relates to the claimed response signal which is sent from a receiving side (i.e., mobile unit). Likewise, as Jellema counts the number of call requests (i.e., independently initiated), it cannot be said to ignore response signals which are provided upon reception of the control signal. Simply stated, call attempts are independent, while control signals as claimed generate response signals.

As such, neither Bechmann nor Jellema alone or in combination describe a base station having a response signal relay for transferring response signals which correspond to a multicast control signal provided to a plurality of mobile stations of the multicast group in which the response signal transfers only a predetermined number of response signals to a radio network controller and any following response signals being retained as recited in Applicants' Claim 1 or any claim depending therefrom. Likewise, as independent Claim 4 recites substantially similar limitations to that discussed above, Applicants respectfully submit that this claim and any corresponding dependent claim are likewise allowable over the cited references.

⁴ Jellema at Figure 2.

Accordingly, Applicants respectfully request that the rejection of Claims 1-2 and 4-5 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present application, including Claims 1-2 and 4-5, is patentably distinguished over the prior art, and condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

BDL:SAM\dt\ys
I:\ATTY\SAM\PROSECUTION WORK\242937\242937US-AM.DOC



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Scott A. McKeown
Registration No. 42,866